IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3935 OF 2006

Ramesh B. Nagdev & Ors. ....Petitioners
V/s.
Shashikant L. Rajendra & Ors. ....Respondents

Mr.M.S. Karnik for the Petitioners.

**CORAM : R.M. SAVANT, J.**
**DATED : 7TH JUNE, 2007.**

**P.C.** :

1. This Petition filed under Article 227 of the Constitution of India impugns the order dated 10.3.2006, passed by the Second Additional District Judge, Nashik on the stay application filed by the Petitioners in Civil Appeal No.178 of 2005. By the said order, interim stay sought by the Petitioners in respect of the "Otta" they have constructed abutting their shops, has been rejected.

2. The trial Court while rejecting the said application, has observed that a contradictory stand has been taken by the Petitioners, which is in variance with their stand in the suit, and hence refused to grant stay pending the appeal.

3. I do not find any error or infirmity in the said order of the trial Court for interference in extra-ordinary writ jurisdiction of this Court under Article 227 of the Constitution of India.

4. The Petition is therefore dismissed.

(R.M. SAVANT, J)